

S.B.CRIMINAL MISC. BAIL APPLICATION NO.5156/2006

Date : 17.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. K.K. Shah for the applicant.

Mr. Vishnu Kachhawaha, Public Prosecutor for State.

Mr. S.S. Jodha for complainant.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that recovery in this case has already been effected of the vehicle and the husband of the applicant has already been granted bail u/s.439 Cr.P.C., therefore, the applicant may be granted anticipatory bail.

On the other hand, learned Public Prosecutor assisted by learned counsel for the complainant has opposed the bail application.

Taking into consideration overall facts and circumstances of the case, prima facie, I do not feel inclined to grant anticipatory bail to the applicant but in view of the fact that the applicant is a lady, I deem it just and proper to issue following directions :

- 1.The applicant shall surrender herself before the concerned Investigating Officer/SHO in FIR No.424/2006 Police Station Mahamandir, Jodhpur.
- 2.The Investigating Officer, upon surrendering the accused applicant, shall produce her before the concerned Court on the very same day and in case application is moved for bail the concerned Court, shall decide the same on the very same day in accordance with law.

The bail application stands dismissed.

(SATYA PRAKASH PATHAK), J.